THE HONOURABLE SMT JUSTICE T. MEENA KUMARI
AND
THE HONOURABLE SRI JUSTICE G.CHANDRAIAH

WRIT PETITION No.20788 of 2005

ORAL ORDER:
(Per T. Meena Kumari, J)

The Writ Petition is filed seeking to quash the orders passed by the learned Central Administrative Tribunal, Hyderabad Bench, Hyderabad passed in O.A.No.428 of 2002 dated 2.6.2005.

Brief facts of the case are:

Petitioners herein are the respondents before the tribunal. Respondent herein is the Applicant before the tribunal. For the purpose of convenience, the parties as arrayed before the tribunal are referred to hereinafter. Respondent herein filed O.A.No. 428 of 2002 before the Central Administrative Tribunal seeking to quash the impugned proceedings dated 25/26.2.2002 of respondent No.1 and Order dated 3.1.2002 of the respondent No.2 and to set aside the same.

The learned Central Administrative Tribunal after hearing the parties and after considering the material placed before it has passed the following order:

> "The Impugned orders dated 25/26.2.2002 of respondent No.1 and order dated 3.1.2002 of respondent No.2 are quashed and set aside. The action of the respondents in deducting the total amount of provisional pension paid during the period when the Order of compulsory retirement was in force from the gratuity is declared to be illegal. The applicant shall be paid the salary against the post of Head Clerk with effect from 27.1.1998 to 16.7.1999 subject to adjustment of the pension paid as stated above. The application is allowed in aforesaid

terms with no order as to costs."

Challenging the Orders of the learned tribunal, the respondents have preferred the present Writ Petition.

Heard both sides.

In view of the fact that the applicant has been reinstated into service on 16.7.1999 and 75% of the amount has already been paid, we upheld the judgment of the compulsory retirement from service. Under the above circumstances, we do not find any illegality or irregularity in the Order of the learned tribunal and accordingly the Writ Petition is dismissed.

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T. MEENA KUMARI, J

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G. CHANDRAIAH, J

14.6.2007

CHV